

IN THE CIRCUIT COURT OF DICKSON COUNTY, TENNESSEE
AT CHARLOTTE

RACHEAL HENRY and JOHN HENRY,)

Plaintiffs,)

v.)

No. 22CC-2017-CV-104

DOUGLAS MORGON and CLEAN
HARBORS ENVIRONMENTAL
SERVICES, INC.,)

Defendants.)

COMPLAINT

Come now the Plaintiffs, by and through counsel, and for their cause of action would show unto this Honorable Court as follows:

1. Plaintiffs are citizens and residents of the State of Tennessee, residing in Humphreys County.
2. Defendant Douglas Morgon ("Defendant Morgon") is a resident of Butler County, Ohio, residing at 6987 Berry Blossom Court, Liberty Township, Ohio 45011.
3. Defendant, Clean Harbors Environmental Services, Inc. ("Defendant Clean Harbors") is a corporation conducting business within the State of Tennessee, with its principal office located at 42 Longwater Drive, Norwell, Massachusetts 02061. The same may be served through its registered agent, CT Corporation System, 800 South Gay Street, Suite 2021, Knoxville, Tennessee 37929.
4. On September 28, 2016, Defendant Morgon was traveling in Dickson County on Interstate 40 East, and operated his motor vehicle in a negligent and/or reckless manner so as to

EXHIBIT 1

strike the vehicle containing the Plaintiff Racheal Henry, causing a serious collision which resulted in substantial bodily injuries to the Plaintiff Racheal Henry.

5. At the time of this collision, Defendant Morgon was acting within the course and scope of his employment with Defendant Clean Harbors. As such, the negligence of Defendant Morgon is imputed to Defendant Clean Harbors pursuant to the doctrines of respondeat superior, negligent entrustment, and/or the principles of agency.

6. Defendant Morgon had a duty to keep a proper lookout ahead, to drive at a reasonable and safe speed, to see all that came into the Defendant's line of sight, and to drive reasonably and carefully. At all times herein material, the Defendant was guilty of the following acts of common law negligence, which acts or omissions were the direct and proximate cause of the damages and injuries sustained by the Plaintiffs:

- a. Operating a vehicle at a speed too great for the circumstances then and there existing.
- b. Failing to maintain a proper lookout ahead.
- c. Carelessly operating a vehicle in a manner which caused it to strike the vehicle containing the Plaintiff, Racheal Henry.
- d. Failing to take evasive action by applying the brakes or otherwise steering the vehicle in order to avoid a collision once that collision was imminent.

7. In addition to the aforementioned acts of negligence, Defendant Morgon was negligent per se in that the Defendant drove a vehicle with such willful, reckless and wanton disregard for the safety of the Plaintiff Racheal Henry so as to constitute reckless driving in violation of Tenn. Code Ann. § 55-10-205(a). Furthermore, Defendant Morgon was negligent per se in violating the following statutory provisions:

a. Tenn. Code Ann. § 55-8-124 (following too closely);

b. ~~Tenn. Code Ann. § 55-8-136 (failing to use due care);~~

8. As a direct and proximate result of one or more acts of negligence, gross negligence, or recklessness of the Defendants, the Plaintiff was made to suffer and continues to suffer the following injuries and damages:

a. ~~Past and future pain and suffering;~~

b. Past and future medical expenses;

c. Mental anguish;

d. Loss of the enjoyment of life;

e. ~~Loss of wages and earning capacity;~~

f. Property damage and loss of use of vehicle;

g. Permanent impairment; and

h. Loss of services and consortium, John Henry.

WHEREFORE Plaintiffs sue the Defendants for personal injuries and property damage, and request that a judgment be entered against the Defendants in an amount which will fairly and justly compensate them for their injuries and losses and, because the law requires plaintiffs to request a specific sum of money, state that under no circumstances shall the judgment awarded exceed \$350,000.00, plus court costs, discretionary expenses and such other, further and general relief which shall be deemed proper by this Honorable Court.

Respectfully submitted,

Jeffrey C. Kovalski, BPR No. 28977

Attorney for Plaintiffs

3037B Highway 31W

P.O. Box 816

White House, TN 37188

(615) 810-8214

FAX (866) 684-2375

jeff@tn-injury.us



**Service of Process
Transmittal**

09/12/2017

CT Log Number 531917276

TO: Michael McDonald
Clean Harbors, Inc.
42 Longwater Dr
Norwell, MA 02061-1612

RE: Process Served in Tennessee

FOR: Clean Harbors Environmental Services, Inc. (Domestic State: MA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: RACHEAL HENRY and JOHN HENRY, Pltfs. vs. Douglas As Morgon and Clean Harbors Environmental Services, Inc., Dfts.

DOCUMENT(S) SERVED: Summons, Complaint

COURT/AGENCY: Dickson County Chancery Court, TN
Case # 22CC2017CV104

NATURE OF ACTION: Personal Injury - Vehicle Collision - September 28, 2016

ON WHOM PROCESS WAS SERVED: C T Corporation System, Knoxville, TN

DATE AND HOUR OF SERVICE: By Process Server on 09/12/2017 at 09:00

JURISDICTION SERVED : Tennessee

APPEARANCE OR ANSWER DUE: within thirty (30) days from the date this summons is served upon you

ATTORNEY(S) / SENDER(S): Jeffrey C. Kovalski
3037B Highway 31W
P.O. Box 816
White House, TN 37188
615-810-8214

ACTION ITEMS: CT has retained the current log, Retain Date: 09/13/2017, Expected Purge Date: 09/18/2017

Image SOP

Email Notification, Michael McDonald mcdonaldm@cleanharbors.com

Email Notification, Brad Carl carl.brad@cleanharbors.com

Email Notification, Monica Murphy-Rodgers MURPHYMO@CLEANHARBORS.COM

Email Notification, Coleen O'Donnell Robbie robbiec@cleanharbors.com

Email Notification, Ilinca Butnariu butnariu.ilinca@cleanharbors.com

SIGNED: C T Corporation System

ADDRESS: 800 S. Gay Street
Suite 2021
Knoxville, TN 37929-9710

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Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



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Page 2 of 2 / AP

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DICKSON County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number <u>22CC-2017-CV-164</u>
RACHEAL HENRY and JOHN HENRY Vs. DOUGLAS MORGON and CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.		

Served On:

Clean Harbors Environmental Services, Inc. c/o CT Corporation System, 800 S. Gay St., Ste 2021, Knoxville, TN 37929
 VIA KNOX COUNTY SHERIFF

You are hereby summoned to defend a civil action filed against you in Circuit Court, Dickson County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

Issued: September 6, 2017

Pamela A. Lewis
 Clerk / Deputy Clerk / SP

Attorney for Plaintiff: Jeffrey C. Kovalski
P.O. Box 816, 3037B Highway 31W, White House, TN 37188

NOTICE OF PERSONAL PROPERTY EXEMPTION

TO THE DEFENDANT(S): Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption as well as a homestead exemption from execution or seizure to satisfy a judgment. The amount of the homestead exemption depends upon your age and the other factors which are listed in TCA § 26-2-301. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed: these include items of necessary wearing apparel (clothing) for your self and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer. Please state file number on list.

Mail list to Pam Myatt Lewis, Circuit Court Clerk, Dickson County
P.O. Box 70, Charlotte, TN 37036

CERTIFICATION (IF APPLICABLE)

I, _____, Clerk of _____ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____

 Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.

I certify that I have served this summons together with the complaint as follows: Clean Harbors
SAMANTHA SUTTON Agent


Date: SEP 12 2017
 By: N. Baird 2525
 Officer, Title

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____

 Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff _____
 Plaintiff's Attorney (or Person Authorized to Serve Process)
 (Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call  FOR ASSISTANCE
 PL ADA Coordinator, at () _____
615-799-7011

<u>DICKSON</u> County	STATE OF TENNESSEE CIVIL SUMMONS page 1 of 1	Case Number
RACHEAL HENRY and JOHN HENRY Vs. DOUGLAS MORGON and CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.		

Served On:

Douglas Morgon

VIA TN SECRETARY OF STATE 6987 Berry Blossom Ct., Liberty Township, OH 45011

You are hereby summoned to defend a civil action filed against you in Circuit Court, Dickson County, Tennessee. Your defense must be made within thirty (30) days from the date this summons is served upon you. You are directed to file your defense with the clerk of the court and send a copy to the plaintiff's attorney at the address listed below. If you fail to defend this action by the below date, judgment by default may be rendered against you for the relief sought in the complaint.

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Pamela A. Lewis
Clerk / Deputy Clerk 186

Attorney for Plaintiff: Jeffrey C. Kovalski
P.O. Box 816, 3037B Highway 31W, White House, TN 37188

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P.O. Box 70, Charlotte, TN 37036

CERTIFICATION (IF APPLICABLE)

I, _____ Clerk of _____ County do certify this to be a true and correct copy of the original summons issued in this case.

Date: _____
Clerk / Deputy Clerk

OFFICER'S RETURN: Please execute this summons and make your return within ninety (90) days of issuance as provided by law.


I certify that I have served this summons together with the complaint as follows: _____

Date: _____ By: _____
Officer, Title

RETURN ON SERVICE OF SUMMONS BY MAIL: I hereby certify and return that on _____, I sent postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in the above styled case, to the defendant _____. On _____ I received the return receipt, which had been signed by _____ on _____. The return receipt is attached to this original summons to be filed by the Court Clerk.

Date: _____ Notary Public / Deputy Clerk (Comm. Expires _____)

Signature of Plaintiff _____ Plaintiff's Attorney (or Person Authorized to Serve Process)
(Attach return receipt on back)

ADA: If you need assistance or accommodations because of a disability, please call  615 769 7 777 ADA Coordinator, at () _____

Rev. 03/11